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ELECTRONICALLY FILED
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DOC #
DATE FILED: <u>4/30/08</u>

VALJEAN BROOKSHAW,

Plaintiff,

STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE

-against-

07 CV 7495 (RJS) (JCF)

THE CITY OF NEW YORK, a municipal entity; MICHAEL BLOOMBERG, Mayor of the City of New York; RAYMOND KELLY, New York City Police Commissioner; STEPHEN HAMMERMAN, Deputy Commissioner for Legal Matters; NYPD Special Counsel RUBY MARIN-JORDAN, New York City Police Department; JOSEPH ESPOSITO, Chief of Department, New York City Police Department; THOMAS GRAHAM, Commander, Disorders Control Unit, New York City Police Department; JOHN J. COLGAN, Assistant Chief and Commanding Officer, Pier 57; MICHAEL SCAGNELLI, Assistant Chief, NYPD Captain LORENZO JOHNSON; NYPD Inspector JAMES McCARTHY; TIMOTHY KRAFT, New York City Police Officer, Shield No. 11989; P.O. RACKNOVICH, New York City Police Officer; JOHN DOES 1-10, New York City Police Officers; RICHARD ROES 1-10, New York City Police Supervisors, and/or Commanders; individually and in their official capacities,

Defendants.

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WHEREAS, plaintiff VALJEAN BROOKSHAW ("Plaintiff") commenced this action in the Southern District of New York by filing a complaint on or about August 29, 2007, alleging that defendants violated Plaintiff's civil and common law rights (the "Complaint"); and

WHEREAS, this action is one of many related actions stemming from activities during the 2004 Republican National Convention in New York City and consolidated for

discovery before Magistrate Judge James C. Francis IV and pending before District Judge Robert J. Sullivan (the "RNC Cases"); and

**WHEREAS**, defendants The City of New York, Michael Bloomberg, Raymond Kelly, Stephen Hammerman, Ruby Marin-Jordan, Joseph Esposito, Thomas Graham, John J. Colgan, Michael Scagnelli, Lorenzo Johnson, James McCarthy, Timothy Kraft, and Adnan Radoncic (sued herein as "P.O. Racknovich") have denied any and all liability arising out of Plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, including the issue of attorney's fees, without further proceedings and without admitting any fault or liability; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. This action is dismissed with prejudice and without costs, expenses or fees except as provided in paragraph "2" below.
2. The City of New York hereby agrees to pay plaintiff VALJEAN BROOKSHAW the sum of FOURTEEN THOUSAND DOLLARS (\$14,000.00), in full satisfaction of his claims, including all claims for costs, expenses, attorneys' fees and interest.
3. In consideration for the payment of the sum listed in paragraph "2", above, Plaintiff agrees to the dismissal, with prejudice, of all claims against all named defendants, including The City of New York, Michael Bloomberg, Raymond Kelly, Stephen Hammerman, Ruby Marin-Jordan, Joseph Esposito, Thomas Graham, John J. Colgan, Michael Scagnelli, Lorenzo Johnson, James McCarthy, Timothy Kraft, and Adnan Radoncic (sued herein as "P.O. Racknovich") and the defendants named in the caption as "John Does" and "Richard Does," and

to release all defendants, their successors or assigns; all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, including but not limited to the New York City Police Department, the Hudson River Park Trust, and the New York City Health and Hospitals Corporation, from any and all liability, claims or rights of action arising from, contained in, or related to the Complaint in this action, which were or could have been alleged by Plaintiff, including all claims for attorney's fees, expenses, costs and interest.

4. Plaintiff shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraphs "2-3" above and an Affidavit of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that defendants violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
April 22, 2008

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Rachel M. Kleinman, Esq.

By: Jeffrey C. Brooks  
Jeffrey C. Brooks  
Assistant Corporation Counsel

SO ORDERED:

HON. ROBERT J. SULLIVAN,  
U.S.D.J. //

4/29/08